

REMARKS

The specification has been amended to correct matters of form by adding page numbers and correcting typographical errors. It is respectfully submitted that no new matter has been introduced.

Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Claims 1-6 have been amended for reasons unrelated to patentability, including at least one of: to detect infringement more easily, to enlarge the scope of infringement, to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.), to expedite the issuance of claims of particular current licensing interest, to target one or more claims to a party currently interested in licensing certain embodiments, to enlarge the royalty base of one or more claims, to cover a particular product or person in the marketplace, to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification, and/or to target one or more claims to a particular industry.

I. The Objection to the Specification

In the Office Action, the Specification was objected to because it did not contain numbered paragraphs or numbered pages and because of typographical errors. As required by 37 C.F.R. 1.125(b), the attached substitute specification is provided in clean, unmarked form, and in marked form, and addresses these objections.

II. The Indefiniteness Rejection

Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

According to MPEP § 2173.02 "[t]he examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available ... [s]ome latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as

the examiner might desire..." Based upon this standard, it is respectfully submitted that claims 1-6 as amended provide sufficient clarity and precision.

III. The 35 U.S.C. §112, ¶ 6 Rejection

Claim 6 was rejected under 35 U.S.C. §112, ¶ 6. This rejection is respectfully traversed. The specification, and particularly the fourth page of the specification, recites ample corresponding structure for the recited function of claim 6. For example, page 4 of the specification recites "an Internet interface 204", "a human/machine interface (HMI) such as that provided by Siemens", and "a software interface to industrial-type processors such as PLCs." Further, the Zavis references cite "[o]ther communications pathways ... and other devices may be accomplished through communications interface 522' coupled to local communications pathway 524' and optionally through network communications pathway 525'..." See column 12 lines 2-9. One of ordinary skill in the art would recognize possible embodiments of an internet interface, as noted on page 18 of the current Office Action. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

IV. The Anticipation Rejection

Claims 1-6 were rejected as anticipated under 35 U.S.C. §102(b). In support of the rejection, Cragun et al. (U.S. Patent No. 5,804,803) was cited. This rejection is respectfully traversed.

Cragun fails to establish a prima facie case of anticipation. See MPEP 2131. To anticipate expressly, the "invention must have been known to the art in the detail of the claim; that is, all of the elements and limitations of the claim must be shown in a single prior art reference, arranged as in the claim". *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001). The single reference must describe the claimed subject matter "with sufficient clarity and detail to establish that the subject matter existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention". *Crown Operations Int'l, LTD v. Solutia Inc.*, 289 F.3d 1367, 1375, 62 USPQ2d 1917, 1921 (Fed. Cir. 2002). Moreover, the prior art reference must be sufficient to enable one

with ordinary skill in the art to practice the claimed invention. *In re Borst*, 345 F.2d 851, 855, 145 USPQ 554, 557 (C.C.P.A. 1965), *cert. denied*, 382 U.S. 973 (1966); *Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1354 (Fed. Cir. Jan. 6, 2003) (“A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosures cited as prior art are not enabled.”)

Claim 1 cites “an indicator associated with a predetermined product, said indicator contained in a memory; and said predetermined product, said predetermined product coupleable to a programmable logic controller, said programmable logic controller coupleable to a network, said indicator indicative of a network web page where product information is provided for the predetermined product, the network web page comprising an on-line product support help window.”

Cragun allegedly cites a “client computer [that] scans the object of interest and translates the code into a URL that specifies both the server computer and the location within the server of information that is relevant to the object”. See col. 2, lines 12-16.

Cragun does not disclose explicitly or inherently “an indicator associated with a predetermined product, said indicator contained in a memory”. In addition, Cragun does not disclose explicitly or inherently “said predetermined product coupleable to a programmable logic controller”. Further, Cragun does not disclose explicitly or inherently an “indicator indicative of a network web page where product information is provided for the predetermined product, the network web page comprising an on-line product support help window.”

Accordingly, it is respectfully submitted that the rejection of claims 1-6 is unsupported by Cragun and should be withdrawn.

V. The Obviousness Rejection

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Cragun et al. (U.S. Patent No. 5,804,803) in view of Ohanian et al. (U.S. Patent No. 6,109,526). These rejections are respectfully traversed.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Hudetz et al. (U.S. Patent No. 5,978,773) in view of Ohanian et al. (U.S. Patent No. 6,109,526). These rejections are respectfully traversed.

None of the cited references, either alone or in any combination, establish a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." See MPEP § 2143.

Because no *prima facie* rejection of any independent claim has been presented, no *prima facie* rejection of any dependent claim can be properly asserted.

A. Cragun in view of Ohanian

Ohanian allegedly cites "the present invention embodies a data input apparatus that obtains information relative to a target. The apparatus includes a processor, a wireless data receiver, and an associated data capture engine. The wireless data receiver is coupled to the processor and receives electromagnetic data from at least one resonator, such as a dipole, positioned relative to the target. The data capture engine is also coupled to the processor and receives data from an associated data carrier, such as a machine-readable symbol..." See column 2 lines 10-19.

Neither Cragun nor Ohanian expressly or inherently teach or suggest "...said predetermined product coupleable to a programmable logic controller, said programmable logic controller coupleable to a network, said indicator indicative of a network web page where product information is provided for the predetermined product, the network web page comprising an on-line product support help window." Thus, even if combinable or modifiable, the cited references do not expressly or inherently teach or suggest every limitation of the claims.

Accordingly, it is respectfully submitted that Cragun in view of Ohanian does not render obvious independent claim 1.

B. Ohanian in view of Hudetz

Hudetz allegedly cites “[a] system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. In accordance with one embodiment of the invention, a computer is provided having a database that relates Uniform Product Code (‘UPC’) numbers to Internet network addresses (or ‘URLs’). To access an Internet resource relating to a particular product, a user enters the product’s UPC symbol manually, by swiping a bar code reader over the UPC symbol, or via other suitable input means. The database retrieves the URL corresponding to the UPC code. This location information is then used to access the desired resource.” See Abstract.

Neither Ohanian nor Hudetz expressly or inherently teach or suggest “an indicator associated with a predetermined product, said indicator contained in a memory...said predetermined product coupleable to a programmable logic controller, said programmable logic controller coupleable to a network.”

Thus, even if combinable or modifiable, the cited references do not expressly or inherently teach or suggest every limitation of the claims.

Accordingly, it is respectfully submitted that Ohanian in view of Hudetz does not render obvious independent claim 1.

Furthermore, because independent claim 1 is not rendered obvious by either cited combination, it stands that claims 2-6, each ultimately depending from these allowable claims, are also not rendered obvious by either Cragun in view of Ohanian or Ohanian in view of Hudetz.

C. Lexicography

Definitions provided in paragraph 19 of the Office Action are respectfully traversed. As recognized in the previous Office Action, “[T]here is a heavy presumption in favor of the ordinary meaning of claim language as understood by one of ordinary skill in the art.” *CCS Fitness Inc. v. Brunswick Corp.*, 288 F. 3d 1359, 1366 (Fed. Cir. 2002). The Office Actions provide no documentary evidence linking the specific proffered definitions to “the ordinary

meaning of claim language as understood by one of ordinary skill in the art", and Applicant respectfully requests provision of such documentary evidence, in the form of, for example, a sworn affidavit. See MPEP 2144.03. Moreover, the terms for which the definitions were proffered do not necessarily accurately reflect the actual claim language (e.g., "programmable logic controller").

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

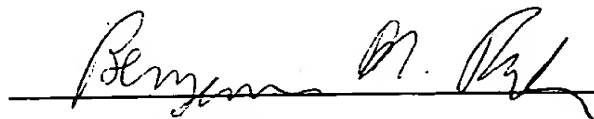
The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 19-2179. The Examiner is invited to contact the undersigned at 732-321-3113 to discuss any matter regarding this application.

Respectfully submitted,

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Date:

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